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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,184	01/22/2002	Scott Leonard Daniels	AUS919970560US2	7036
28722	7590	03/26/2004	EXAMINER	
BRACEWELL & PATTERSON, L.L.P.			WACHSMAN, HAL D	
P.O. BOX 969			ART UNIT	
AUSTIN, TX 78767-0969			PAPER NUMBER	

2857

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/054,184

Applicant(s)

DANIELS ET AL.

Examiner

Hal D Wachsmann

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 27 and 29-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 and 29-52 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1-22-02</u> . | 6) <input type="checkbox"/> Other: _____  |



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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03212004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman  
Primary Examiner  
Art Unit: 2857

1. This application is in condition for allowance except for the following formal matters:

a) The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the determining if the oscilloscope triggered on an undesired waveform followed by the storing of that undesired waveform must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

b) The Examiner notes that review of the image file wrapper for the application shows that a requested amendment for before the first line of the specification in the request for filing a divisional application as well as the claim amendments and additional claims submitted in the Preliminary Amendment filed 1-22-02 were not formally entered in the application before the paper files were converted to the image file wrapper. In addition, the Examiner notes that the amendment to add a statement of continuing data before the first line of the specification does not provide the current status of U.S. application serial no. 09/165,881, which is now U.S. patent no. 6,421,619. Because of the above, the Applicant is respectfully requested to resubmit the above amendments (incorporating any further amendments that are needed in response to this Office action) in accordance with the current 37 C.F.R. 1.121 rules in the response to this Office action.

c) Claims 27 and 29-52 are objected to under 37 C.F.R. 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 27 refers to a computer program product with several instruction means however there is ambiguity with respect to how the functionality of this computer program product is being realized if the instructions are not being executed such as on a general purpose computer. Claim 27, line 7, cites “..said storage means for thereafter..” but thereafter what exactly ? Claim 27, line 12, cites “said plurality of undesired waveforms” which it appears should be “a plurality of undesired waveforms” due to the lack of antecedent basis. This same type of problem also occurs in claim 41, lines 10-11. Claim 29, line 1, cites “claim 2[8]7”. Because of the brackets only being placed around one of the digits of the number to indicate deletion, this can now be read as “claim 2 7”. One possible way to correct to this would be to delete the entire number “28” by strike-through (see current 37 C.F.R. 1.21 rules) and replacing that with “27”. Claim 31, lines 2-3, cite “said first plurality of parameters” which should be “said first plurality of trigger parameters”. This same type of problem also occurs in claim 44, line 2. Claim 31, line 5, cites “said a current voltage” which it appears should just be “a current voltage”. Claim 33, line 3, cites “said stop voltage” which should be “said stop voltage level”. Claim 41 has the features “a central processing unit” and “a memory coupled to said central processing unit” which dangle in the claim because there is no connection made to the remaining features of this claim. Claim 45, line 3, cites “said sweep rate” which lacks antecedent basis. Claim 45, line 5, cites “said voltage step” which lacks antecedent basis. Claim 45, line 7, cites “said current voltage” which lacks

antecedent basis. Claim 46, line 2, cites "said stop voltage" which lacks antecedent basis. Claim 46, lines 3 and 4, cite "said second of said plurality of triggering modes" which lack antecedent basis. This same type of problem also occurs in claim 48, lines 2-3. Claim 47, lines 3-4, cite "said first of said plurality of said triggering modes" which lacks antecedent basis. The examiner asks the applicant to better claim the limitations cited above. While the examiner understands the intentions of the applicant he feels confusion could be drawn from the limitations cited above. Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

2. The following references are cited as being art of general interest: de Vries which discloses a digital oscilloscope with trigger qualification based on pattern recognition, Kanpp et al. which disclose feature extraction from internal combustion engine ignition waveforms and Holcomb et al. which disclose a time duration trigger.


3. Claims 27 and 29-52 are allowable over the prior art because the prior art does not disclose or suggest: an oscilloscope automatically analyzing an input signal independently from any user input sequentially utilizing each of a plurality of triggering modes and triggering parameters, with a determination of whether the oscilloscope

triggered on one of a plurality of undesired waveforms and if so then storing that undesired waveform.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hal D Wachsman  
Primary Examiner  
Art Unit 2857

HW  
March 21, 2004